

## DEPARTMENT OF THE INTERIOR

## Office of Surface Mining Reclamation and Enforcement

## 30 CFR Part 826

## Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Steep-Slope Remining

## Correction

In FR Doc. 82-30863 beginning on page 51316 in the issue of Friday, November 12, 1982, make the following change:

On page 51321, second column, § 826.12(b), thirteenth line, insert "to" after "writing".

BILLING CODE 1505-01-M

## DEPARTMENT OF DEFENSE

## Department of the Navy

## 32 CFR Part 706

## Certifications and Exemptions Under International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) Has determined that USS DOYLE (FFG 39) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval frigate, and (2) has found that USS DOYLE (FFG 39) is a member of the FFG 7 class of ships, certain exemptions for which have been previously granted under 72 COLREGS, Rule 38. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

**EFFECTIVE DATE:** November 12, 1982.

**FOR FURTHER INFORMATION CONTACT:** Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332. Telephone Number: (202) 325-9744.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS DOYLE (FFG 39)

is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a) regarding the arc of visibility of its forward masthead light; Annex I, Section 2(a)(i), regarding the height above the hull of its forward masthead light; and Annex I, Section 3(b), regarding the horizontal relationship of its sidelights to its forward masthead light, without interfering with its special function as a Navy frigate. The Secretary of the Navy has also certified that the above-mentioned light is located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS DOYLE (FFG 39) is a member of the FFG 7 class of ship for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to this ship.

Moreover, it has been determined, in accordance with 32 CFR Part 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner different from that prescribed herein will adversely affect the ship's ability to perform its military function.

## List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

## PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

## § 706.2 [Amended]

1. Table One of § 706.2 is amended as follows to indicate the certifications issued by the Secretary of the Navy:

Vessel	Number	Distance in meters of forward masthead light below minimum required height, § 2(a)(i) Annex I
USS DOYLE.....	FFG 39	1.6

2. Table Four of § 706.2 is amended by adding to the existing paragraph 8 the following vessel for which navigational light certifications are herewith issued by the Secretary of the Navy:

## USS DOYLE (FFG 39)

3. Table Four of § 706.2 is amended by adding to the existing paragraph 9 the following vessel for which navigational light certifications are herewith issued by the Secretary of the Navy:

Vessel	Number	Distance of sidelights forward of masthead lights in meters
USS DOYLE.....	FFG 39	2.75

(E.O. 11964; 33 U.S.C. 1605)

Dated: November 12, 1982.

Approved:

John Lehman,  
Secretary of the Navy.

[FR Doc. 82-32555 Filed 11-26-82; 8:45 am]

BILLING CODE 3810-AE-M

## VETERANS ADMINISTRATION

## 38 CFR Part 1

## Standards for Program Evaluation

AGENCY: Veterans Administration.

ACTION: Final rule.

**SUMMARY:** The VA (Veterans Administration) is hereby setting forth a regulation to implement section 213 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, Pub. L. 93-508. Section 213 requires that the Administrator of Veterans Affairs measure and evaluate on a continuing basis all programs authorized under title 38, United States Code, and that the general standards for such evaluations be prescribed by regulation. This regulation will implement the applicable provisions of the law by establishing the general standards for program evaluations.

**EFFECTIVE DATE:** This regulation is effective November 19, 1982.

**FOR FURTHER INFORMATION CONTACT:** Frederick C. Humphreys, Program Evaluation Service (074), Office of Program Planning and Evaluation, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2947.

**SUPPLEMENTARY INFORMATION:** This regulation provides general standards for conducting program evaluations. These standards are required by law. A program evaluation is conducted to determine if the program being evaluated is fulfilling its legislative



mandate. The evaluation will examine the efficiency/effectiveness of program management and the impact of the program on beneficiaries. The evaluation is conducted by VA employees assigned to a staff entity other than the one subject to the evaluation.

The Veterans Administration has determined that this regulation is not a major rule as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than \$100 million. This regulation will result in no major increases in costs or prices. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation comes within exceptions to the general Veterans Administration policy of prior publication of proposed rules for public notice and comment as contained in 38 CFR 1.12. This regulation implements a statutory provision which mandates that standards be set forth as rules, the substance of which are purely matters of internal agency procedure and practice.

This final rule is not subject to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354) since it does not come within the term "rule" as defined in that Act (5 U.S.C. 601(2)); in any case, this rule of internal agency procedure and practice will clearly not have a significant economic impact on a substantial number of small entities.

There is no Catalog of Federal Domestic Assistance Number involved.

#### List of Subjects in 38 CFR Part 1

Administration practice and procedure.

Approved: November 19, 1982.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

#### PART 1—GENERAL PROVISIONS

Part 1—General Provisions is amended by adding a new § 1.15 and an undesignated heading to read as follows:

##### Program Evaluation

##### § 1.15 Standards for program evaluation.

(a) The Veterans Administration will evaluate all programs authorized under title 38, United States Code. These evaluations will be conducted so as to determine each program's effectiveness in achieving its stated goals and in

achieving such goals in relation to their cost. In addition, these evaluations will determine each program's impact on related programs and its structure and mechanism for delivery of services. All programs will be evaluated on a continuing basis and all evaluations will be conducted by Veterans Administration staff assigned to an organizational entity other than those responsible for program administration. These evaluations will be conducted with sufficient frequency to allow for an assessment of the continued effectiveness of the programs.

(b) The program evaluation will be designed to determine if the existing program supports the intent of the law. A program evaluation must identify goals and objectives that support this intent, contain a method to measure fulfillment of the objectives, ascertain the degree to which goals and objectives are met, and report the findings and conclusions to Congress, as well as make them available to the public.

(c) The goals must be clear, specific, and measurable. To be clear they must be readily understood, free from doubt or confusion, and specific goals must be explicitly set forth. They must be measurable by objective means. These means can include use of existing record systems, observations, and information from other sources.

(d) All program evaluations require a detailed evaluation plan. The evaluation plan must clearly state the objectives of the program evaluation, the methodology to be used, resources to be committed, and a timetable of major phases.

(e) Each program evaluation must be objective. It must report the accomplishments as well as the shortcomings of the program in an unbiased way. The program evaluation must have findings that give decision-makers information which is of a level of detail and importance to enable decisions to be made affecting either direction or operation. The information in the program evaluation must be timely, and must contain information of sufficient currency that decisions based on the data in the evaluation can be made with a high degree of confidence in the data.

(f) Each program evaluation requires a systematic research design to collect the data necessary to measure the objectives. This research design should conform to the following:

(1) *Rationale.* The research design for each evaluation should contain a specific rationale and should be structured to determine possible cause and effect relationships.

(2) *Relevancy.* It must deal with issues currently existing within the program, within the Agency, and within the environment in which the program operates.

(3) *Validity.* The degree of statistical validity should be assessed within the research design. Alternative include an assessment of cost of data collection vs. results necessary to support decisions.

(4) *Reliability.* Use of the same research design by others should yield the same findings.

(g) The final program evaluation report will be reviewed for comments and concurrence by relevant organizations within the Veterans Administration, but in no case should this review unreasonably delay the results of the evaluation. Where disagreement exists, the dissenting organization's position should be summarized for a decision by the Administrator.

(h) The final program evaluation report will be forwarded, with approved recommendations, to the concerned organization. An action plan to accomplish the approved recommendations will be forwarded for evaluation by the evaluating entity.

(i) Program evaluation results should be integrated to the maximum extent possible into Veterans Administration plans and budget submissions to ensure continuity with other Veterans Administration management processes.

(38 U.S.C. 219, Pub. L. 95-508)

[FR Doc. 82-32544 Filed 11-26-82; 8:45 am]

BILLING CODE 8320-01-M

#### DEPARTMENT OF TRANSPORTATION

##### Federal Railroad Administration

##### 49 CFR Part 215

[FRA Docket No. RSFC-6, Notice 6]

##### Railroad Freight Car Safety Standards

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Amendment of final rule.

**SUMMARY:** This document amends the final rule published on October 29, 1982 (47 FR 49026), which extended the compliance date for equipping the side doors of railroad box cars with safety hangers or the equivalent, from November 1, 1982 until December 1, 1982. This amendment further extends the compliance date until December 1, 1983. This action is being taken in response to a petition of the Association



of American Railroads (AAR) for extension of the compliance date.

**EFFECTIVE DATE:** This amendment will become effective December 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Leavitt A. Peterson, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, telephone (202) 426-0897.

**SUPPLEMENTARY INFORMATION:** On June 24, 1982, FRA published a notice of public hearing and an amendment of final rule which extended the compliance date for equipping the side doors of railroad box cars with safety hangers or the equivalent until November 1, 1982 (47 FR 27293). The purpose of this four month extension was to enable FRA to hold public hearings and receive written comments from interested persons on the AAR's request to extend that compliance date until December 31, 1985. To provide additional time to consider the AAR request before making a final decision, FRA further extended the compliance date to December 1, 1982.

Extension of the compliance date to December 31, 1985 was strongly supported by the railroad industry. In written comments and statements made at the hearing, spokesmen for major railroads indicated that approximately 45,000 cars equipped with plug doors have been retrofitted with safety hangers. However, these spokesmen also indicated that a number of considerations preclude completion of the task of retrofitting the remaining 55,000 plug door cars before the end of 1985.

There is a wide variety of door styles and sizes in the nation's box car fleet. Each requires a specific safety hanger application that has been engineered and designed to ensure proper functioning and compliance with AAR clearance restrictions. Consequently, it is not economically feasible to inventory the necessary parts for each application at every repair facility.

Cars to be retrofitted with safety hangers are scattered throughout the country and are moved frequently. They have to be located, withdrawn from service and moved to distant facilities that have the necessary parts to do the job. This task is further complicated by the fact that many of the cars that lack safety hangers are often assigned to individual shippers who are reluctant to release the cars for retrofitting.

Because of the reduced demand for rail transportation, many cars that have not yet been retrofitted with safety hangers have been removed from

service and placed in storage. Decreased revenues have compelled many railroads to reduce their car repair forces and to concentrate their diminished resources on making "running" light repairs and servicing those cars that remain in service.

The railroad industry has acted to reduce the risk of plug doors falling from cars. The AAR Field Manual of Interchange Rules requires the following to be stencilled on the exterior of each plug door: "Doors must be closed before moving car" (Rule 88). Plug doors that are not closed tend to become dislodged or damaged during train and switching movements.

The Railway Labor Executives' Association (RLEA) opposed the AAR request for a three-year extension of the compliance date. It contended that the railroads have had a reasonable opportunity to retrofit the entire car fleet, citing past AAR statements to the effect that the average car is placed on a repair track twice a year. RLEA further contended that if any such extension is given by FRA, it should be limited to those individual railroads that can clearly demonstrate a good faith effort to comply. All other railroads should either bring their cars into compliance or withdraw them from service. However, RLEA does not oppose a one-year extension of the compliance date to December 1, 1983.

FRA accident/incident records show that between January 1, 1978 and October 1, 1982 (57 months), three railroad employees were killed by defective plug doors. Each of these employees was a carman. Each was struck by a plug door that fell from a stationary car that he was inspecting or repairing.

The first fatality occurred in 1979 when two carmen inspecting a car on a repair track, opened a plug door that had both of its top arms missing. The second fatality occurred in 1980 when a carman who had been sent to a warehouse track to repair a car, attempted to open a plug door that had both top arms missing. It is doubtful that either of these accidents would have been avoided had the car been equipped with safety hangers since the safety hanger for the door that fell from the car probably would have also been missing or ineffective. The third fatality occurred when two carmen attempted to reinstall an improperly repaired plug door on a car that had been equipped with safety hangers. These fatal accidents clearly demonstrate the need for the railroad industry to intensify its efforts to make employees aware of the hazards posed

by attempting to operate defective plug doors. FRA will closely monitor those efforts and, if necessary, take remedial action to assure the safety of railroad employees.

In recognition of the railroad industry's action to reduce the risk of plug doors falling from cars, the complexity of the task of retrofitting an estimated 55,000 plug door cars with safety door hangers, and the diminished resources available to the industry to perform this task, FRA has decided that extension of the compliance date to December 1, 1983, is warranted.

To avoid the disruption of rail service and public inconvenience that would result if all plug door box cars not equipped with safety hangers were to be removed from service on the current compliance date of December 1, 1982, this amendment shall become effective in less than 30 days on December 1, 1982.

#### List of Subjects in 49 CFR Part 215

Railroad safety.

#### Regulatory Impact

FRA has reviewed this amendment under the standards established by Executive Order 12291 and DOT's order on regulatory policies and procedures. FRA has concluded that the amendment is not a major rule under the terms of Executive Order 12291 or a significant rule under DOT criteria.

The amendment has been reviewed according to the requirements of the Regulatory Flexibility Act (Pub. L. 95-354, 94 Stat. 1184, September 19, 1980). FRA has not identified any significant economic impact from the rule change that will affect small entities. Based on this fact, it is certified that the amendment will not have a significant impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act.

The amendment does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required.

#### List of Subjects in 49 CFR Part 215

Railroads safety.

#### PART 215—[AMENDED]

#### The Amendment

In consideration of the foregoing, § 215.121(d) of Part 215 of Title 49, Code of Federal Regulations, is revised, effective December 1, 1982, to read as follows:



**§ 215.121 Defective car body.**

(d) After December 1, 1983, the car is a box car and its side doors are not equipped with operative hangers, or the equivalent, to prevent the doors from becoming disengaged.

(Secs. 202 and 209, 84 Stat. 971 and 975, 45 U.S.C. 431 and 438; and § 1.49(m) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(m))

Issued in Washington, D.C., on November 24, 1982.

John M. Mason,  
*Acting Administrator.*

[FR Doc. 82-32722 Filed 11-26-82; 10:38 am]

BILLING CODE 4910-06-M

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Part 1011

#### Commission Organization; Delegation of Authority

**AGENCY:** Interstate Commerce  
Commission.

**ACTION:** Final rules.

**SUMMARY:** The purpose of this document is to revise the delegation of authority to the Office of Special Counsel. Under the revised delegation of authority, the Special Counsel will be required to petition for permission to intervene in Commission proceedings, and will be permitted to do so only upon approval by a majority of the Commission. Because this change in rule involves the internal organization and procedures of the Commission, it is issued in final form, and public comment is not being requested.

**EFFECTIVE:** November 29, 1982.

**FOR FURTHER INFORMATION CONTACT:**  
Kathleen M. King, 202-275-0956.

**SUPPLEMENTARY INFORMATION:** On October 6, 1982, the Commission decided to revise the delegation of authority for the Office of Special Counsel. Under the revised delegation of authority, the Special Counsel will be required to petition for permission to intervene in Commission proceedings, and will be permitted to do so only upon approval by a majority of the Commission.

Also, the Office of Special Counsel may execute its responsibilities either by assisting parties to Commission proceedings [and not participating as a party] or by participating itself as a party. In other words, the Office of Special Counsel may not participate as a party in an individual proceeding *and*, at the same time, assist other parties to that proceeding.

Finally, the revised delegation enumerates certain types of proceedings in which the Special Counsel's participation or assistance may contribute to the public interest.

#### Subjects in 49 CFR Part 1011

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies).

#### PART 1011—[AMENDED]

Accordingly, 49 CFR 1011.8 is revised to read as follows:

#### § 1011.8 Delegation of Authority by the Interstate Commerce Commission to Specific Bureaus and Offices of the Commission.

(a) *Office of Special Counsel.* (1) There is established an Office of Special Counsel. (2) The Office shall be headed by an officer to be known as the Special Counsel, who shall be appointed by the Chairman, subject to the approval of a majority of the Commission. (3) The mission of the Office will be to

contribute to the development of a complete record in proceedings in which important aspects of the public interest otherwise would not be adequately explored, in particular, proceedings affecting the interests of bus passengers, household goods shippers, owner-operators, and Class II and III rail carriers and the shippers they serve. The Special Counsel may execute its responsibilities by assisting parties to such Commission proceedings (but not participating in such proceedings) and services. (5) The Special Counsel will participate as a party in Commission proceedings, including rulemaking proceedings, only upon submission of a petition to do so and approval of the petition by a majority of the Commission. (6) So that parties having need of the assistance of the Office of Special Counsel will be adequately informed, the Office of Hearings is directed, in noticing cases for public hearings, to advise parties of the availability of this program.

(b) [Reserved]

(49 U.S.C. 10321 and 5 U.S.C. 553)

This is not a major Federal action significantly affecting the quality of the human environment or the conservation of energy resources.

This change to the rules will have no adverse effect on small entities.

Decided: November 15, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons and Gradison. Commissioner Sterrett did not participate. Agatha L. Mergenovich,  
*Secretary.*

[FR Doc. 82-32546 Filed 11-26-82; 8:45 am]

BILLING CODE 7035-01-M



# Proposed Rules

Federal Register

Vol. 47, No. 229

Monday, November 29, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 984

#### Walnuts Grown in California; Proposed Free and Reserve Percentages for the 1982-83 Marketing Year

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposal invites written comments on the establishment of marketing percentages for California walnuts for the 1982-83 marketing year to allocate this season's supplies between domestic and export markets. The 1982-83 marketing year began August 1, 1982. The proposal is intended to make ample supplies of this season's walnuts available for domestic needs and all of the excess available for export. The percentages are authorized by the Federal marketing order for walnuts grown in California.

**DATES:** Comments must be received by December 14, 1982.

Proposed Effective Dates: August 1, 1982 through July 31, 1983.

**ADDRESS:** Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for inspection during regular business hours.

#### FOR FURTHER INFORMATION CONTACT:

J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5697.

**SUPPLEMENTARY INFORMATION:** This proposed rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic

impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 24 handlers.

J. S. Miller has determined that this proposal should be published with less than a 60-day comment period. If established, free and reserve percentages for the 1982-83 crop year would apply to all walnuts certified as merchandise from August 1, 1982, the beginning of that crop year. As handlers are now receiving and processing 1982 crop walnuts in volume, they need to know as soon as possible what volume regulations may apply to the handling of this crop so they can plan their operations accordingly.

The authority to establish the free and reserve percentages under consideration is pursuant to § 984.49 of the marketing agreement and Order No. 984, both as amended (7 CFR Part 984), regulating the handling of walnuts grown in California and hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was unanimously recommended by the Walnut Marketing Board, hereinafter referred to as the "Board", which works with USDA in administering the order.

Pursuant to § 984.48 of the order, the Board based its recommendation for free and reserve percentages of 77 percent and 23 percent, respectively, on estimates of supply and combined inshell and shelled domestic trade demand for the current marketing year. Estimated trade demand was adjusted to account for supplies of walnuts carried in from the 1981-82 marketing year and for supplies deemed desirable to be carried out on July 31, 1983, for early season domestic use next year until the 1983 crop is available for market.

The estimated 1982 walnut production is well in excess of the 1982-83 marketing year domestic needs. While the proposal is designed to tailor the supply to domestic demand, it would still ensure the availability of ample supplies of walnuts for domestic markets during that year and promote maximum usage.

Supplies in excess of domestic needs would be available chiefly for export. Any excess supplies that could not be absorbed by export markets would be used for oil, feed, or other outlets

noncompetitive with outlets for free merchantable walnuts.

In considering its recommendation, the Board noted the estimates it had made one year earlier for the 1981 crop. These estimates and final results are as follows:

	Estimated kernel weight [1,000 lbs]	Final kernel weight [1,000 lbs]
<b>Supply:</b>		
1. Orchard-run production .....	172,000	180,000
2. Less: Miscellaneous farm use ..	800	800
3. Commercial production .....	171,200	179,200
4. Plus: Uncertified carrying in-shell uncertified .....	944	944
Carryin Shelled .....	11,440	11,440
5. Total merchantable supply .....	183,584	191,584
6. Plus: Substandard creditable for reserve .....	8,000	6,344
7. Total Supply subject to regulation .....	191,584	197,928
<b>Demand:</b>		
8. Inshell demand .....	27,000	25,532
9. Plus: Desirable carryout .....	5,625	2,977
10. Less: Certified carryin .....	2,386	2,386
11. Adjusted inshell demand .....	30,239	26,123
12. Shelled demand .....	100,000	97,344
13. Plus: Desirable carryout .....	30,000	35,345
14. Less: Certified carryin .....	16,097	16,097
15. Adjusted Shelled Demand .....	113,903	116,592
16. Total Demand [Item 11 + Item 15] .....	144,142	142,715

#### MARKETING PERCENTAGES:

17. Free percentage (Item 16 ÷ Item 7) = 75 pct.  
18. Reserve percentage (100 pct. - Item 17) = 25 pct.

The Board used the estimates given in the table below in making its recommendation for the 1982-83 marketing year. Weight figures for inshell walnuts are converted to their equivalent shelled kernel weights.

	Inshell weight (1,000 lbs.)	Conversion factor (percent)	Kernel weight (1,000 lbs.)
<b>Supply:</b>			
1. Orchard-run production .....	440,000		
2. Less: Miscellaneous farm use ..	2,000		
3. Commercial production .....	438,000	40	175,200
4. Plus: Uncertified carryin in-shell .....	415	45	187
Uncertified carryin shelled .....			17,880
5. Total merchantable supply .....			193,267
6. Plus: Substandard creditable for reserve .....			8,000
7. Total supply subject to regulation .....			201,267
<b>Demand:</b>			
8. Inshell demand .....	65,000		
9. Plus: Desirable carryout .....	15,000		
10. Less: Certified carryin .....	6,200		
11. Adjusted inshell demand .....	73,800	45	33,210
12. Shelled demand .....			100,000
13. Plus: Desirable carryout .....			37,500
14. Less: Certified carryin .....			17,465



	Inshell weight (1,000 lbs.)	Con- version factor (per- cent)	Kernel weight (1,000 lbs.)
15. Adjusted shelled demand			120,035
16. Total demand (item 11 + item 15)			153,245
Marketing percentages:			
17. Free percentage (item 16 ÷ item 7) = 77 pct (76.1 pct rounded up by the Board).			
18. Reserve percentage (100 pct - item 17) = 23 pct (23.9 pct rounded down by the Board).			

#### List of Subjects in 7 CFR Part 984

Marketing Agreements and Orders,  
Walnuts, California.

#### PART 984—[AMENDED]

Therefore, it is proposed to add  
§ 984.228 to 7 CFR Part 984 as follows:  
(This section will not appear in the Code  
of Federal Regulations.)

#### § 984.228 Free and reserve percentages for California walnuts during the 1982-83 marketing year.

The free and reserve percentages for  
California walnuts during the marketing  
year beginning August 1, 1982, shall be  
77 percent and 23 percent, respectively.

Dated: November 19, 1982.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 82-32320 Filed 11-26-82; 8:45 am]

BILLING CODE 3410-02-M

#### DEPARTMENT OF ENERGY

#### Federal Energy Regulatory Commission

#### 18 CFR Part 271

[Docket No. RM79-76-153 (Colorado-30)]

#### High-Cost Gas Produced From Tight Formations, Colorado; Proposed Rulemaking

**AGENCY:** Federal Energy Regulatory  
Commission, DOE.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Energy  
Regulatory Commission is authorized by  
section 107(c)(5) of the Natural Gas  
Policy Act of 1978 to designate certain  
types of natural gas as high-cost gas  
where the Commission determines that  
the gas is produced under conditions  
which present extraordinary risks or  
costs. Under section 107(c)(5), the  
Commission issued a final regulation  
designating natural gas produced from  
tight formations as high-cost gas which  
may receive an incentive price (18 CFR  
271.703). This rule established  
procedures for jurisdictional agencies to  
submit to the Commission  
recommendations of areas for

designation as tight formations. This  
Notice of Proposed Rulemaking by the  
Director of the Office of Pipeline and  
Producer Regulation contains the  
recommendation of the State of  
Colorado that the Plainview Formation  
be designated as a tight formation under  
§ 271.703(d).

**DATES:** Comments on the proposed rule  
are due on January 6, 1983.

**Public hearing:** No public hearing is  
scheduled in this docket as yet. Written  
requests for a public hearing are due on  
December 7, 1982.

**ADDRESS:** Comments and requests for  
hearing must be filed with the Office of  
the Secretary, 825 North Capitol Street,  
N.E., Washington, D.C. 20426.

**FOR FURTHER INFORMATION CONTACT:**  
Leslie Lawner, (202) 357-8511, or Victor  
Zabel, (202) 357-8616.

#### SUPPLEMENTARY INFORMATION:

Issued: November 22, 1982.

#### I. Background

On November 8, 1982, the State of  
Colorado Oil and Gas Conservation  
Commission (Colorado) submitted to the  
Commission a recommendation, in  
accordance with § 271.703 of the  
Commission's regulations (45 FR 56034,  
August 22, 1980), that the Plainview  
Formation located in Adams and Weld  
Counties, Colorado, be designated as a  
tight formation. Pursuant to  
§ 271.703(c)(4) of the regulations, this  
Notice of Proposed Rulemaking is  
hereby issued to determine whether  
Colorado's recommendation that the  
Plainview Formation be designated a  
tight formation should be adopted.  
Colorado's recommendation and  
supporting data are on file with the  
Commission and are available for public  
inspection.

#### II. Description of Recommendation

The recommended formation  
underlies certain lands in Adams and  
Weld Counties, Colorado, and is located  
approximately 10 miles north of the city  
of Denver. The recommended area is  
approximately 48,000 acres and consists  
of Township 1 North, Range 67 West, 6th  
P.M., Section 31 through 33; Township 1  
South, Range 67 West, 6th P.M., Sections  
1 through 36; and Township 1 South,  
Range 68 West, 6th P.M., Sections 1  
through 36. There is no Federal land  
within the recommended area.

The average depth to the top of the  
Plainview Formation is 8,586 feet and  
the thickness of such formation is  
approximately 78 feet.

#### III. Discussion of Recommendation

Colorado claims in its submission that  
evidence gathered through information

and testimony presented at a public  
hearing in Cause No. NC-36 convened  
by Colorado on this matter  
demonstrates that:

(1) The average *in situ* gas  
permeability throughout the pay section  
of the proposed area is not expected to  
exceed 0.1 millidarcy;

(2) The stabilized production rate,  
against atmospheric pressure, of wells  
completed for production from the  
recommended formation, without  
stimulation, is not expected to exceed  
the maximum allowable production rate  
set out in § 271.703(c)(2)(i)(B); and

(3) No wells drilled into the  
recommended formation is expected to  
produce more than five (5) barrels of oil  
per day.

Colorado further asserts that existing  
State and Federal Regulations assure  
that development of this formation will  
not adversely affect any fresh water  
aquifers.

Accordingly, pursuant to the authority  
delegated to the Director of the Office of  
Pipeline and Producer Regulation by  
Commission Order No. 97, issued in  
Docket No. RM80-68 (45 FR 53456,  
August 12, 1980), notice is hereby given  
of the proposal submitted by Colorado  
that the Plainview Formation, as  
described and delineated in Colorado's  
recommendation as filed with the  
Commission, be designated as a tight  
formation pursuant to § 271.703.

#### IV. Public Comment Procedures

Interested persons may comment on  
this proposed rulemaking by submitting  
written data, views or arguments to the  
Office of the Secretary, Federal Energy  
Regulatory Commission, 825 North  
Capitol Street, N.E., Washington, D.C.  
20426, on or before January 6, 1983. Each  
person submitting a comment should  
indicate that the comment is being  
submitted in Docket No. RM79-76-153  
(Colorado-30), and should give reasons  
including supporting data for any  
recommendations. Comments should  
include the name, title, mailing address,  
and telephone number of one person to  
whom communications concerning the  
proposal may be addressed. An original  
and 14 conformed copies should be filed  
with the Secretary of the Commission.  
Written comments will be available for  
public inspection at the Commission's  
Division of Public Information, Room  
1000, 825 North Capitol Street, N.E.,  
Washington, D.C., during business  
hours.

Any person wishing to present  
testimony, views, data, or otherwise  
participate at a public hearing should  
notify the Commission in writing of the  
desire to make oral presentation and



therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Request should be filed with the Secretary of the Commission no later than December 7, 1982.

#### List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Colorado's recommendation is adopted.

Kenneth A. Williams,  
Director, Office of Pipeline and Producer Regulations.

#### PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(15) to read as follows:

##### § 271.703 Tight formations.

(d) Designated tight formations.

(150) Plainview Formation in Colorado. RM79-76-153 (Colorado-30).

(i) Delineation of formation. The Plainview Formation is located in Adams and Weld Counties, Colorado, in Township 1 North, Range 67 West, Sections 31 through 33; Township 1 South, Range 67 West, Sections 1 through 36; and Township 1 South, Range 68 West, Section 1 through 36, 6th P.M.

(ii) Depth. The average depth to the top of the Plainview Formation is 8,586 feet. The producing interval is approximately 78 feet in thickness and begins at the base of the Skull Creek Shale and extends to the top of the Lakota Formation.

[FR Doc. 82-32430 Filed 11-26-82; 8:45 am]

BILLING CODE 6717-01-M

#### 18 CFR Part 271

[Docket No. RM79-76-050 (New Mexico-5)]

#### High-Cost Gas Produced From Tight Formations; New Mexico; Withdrawal of Proposed Rule

Issued: November 22, 1982.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** The Federal Regulatory Commission received a request from the New Mexico Oil Conservation Division

and the U.S. Mineral Management Service to withdraw a recommendation previously submitted to the Commission that the Mesaverde Formation be designated as a tight formation issued in Docket No. RM 79-76-050 (New Mexico-5) on August 25, 1981, and published as a Proposed Rule in the Federal Register at 46 FR 43844, September 1, 1981, and corrected at 46 FR 48235, October 1, 1981. The Commission grants the request for withdrawal of the recommendation, withdraws its proposed rulemaking and terminates this docket.

**DATE:** This rulemaking is terminated effective November 22, 1982.

**FOR FURTHER INFORMATION CONTACT:** Victor Zabel, (202) 357-8616 or Leslie Lawner, (202) 357-8511.

**SUPPLEMENTARY INFORMATION:** The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. The Commission received a request from the New Mexico Oil Conservation Division and the U.S. Mineral Management Service to withdraw a recommendation previously submitted to the Commission that the Mesaverde Formation be designated as a tight formation. The Commission grants the request for withdrawal of the recommendation, withdraws its proposed rulemaking and terminates this docket.

#### SUPPLEMENTARY INFORMATION:

On July 30, 1981, the Federal Energy Regulatory Commission (Commission) received from the New Mexico Oil Conservation Division (New Mexico) a recommendation in accordance with § 271.703 of the Commission's regulations that the Mesaverde Formation located in portions of Rio Arriba County, New Mexico, be designated as a tight formation. The U.S. Minerals Management Service (MMS, formerly the U.S. Geological Survey), concurred in the recommendation. Pursuant to § 271.703(c)(4), a Notice of Proposed Rulemaking was issued by the Director of the Commission's Office of Pipeline and Producer Regulation on August 25, 1981 (46 FR 43844, September

1, 1981),<sup>1</sup> to determine whether the recommendation would be adopted. No comments were received in response to the Notice of Proposed Rulemaking, nor did any party request that a public hearing be held.

On July 23, 1982, the Commission received a request from New Mexico to withdraw the recommendation that the Mesaverde Formation be designated as a tight formation. MMS concurred in this request by a letter which the Commission received on July 30, 1982.

The Commission hereby grants New Mexico and MMS' request that the recommendation be withdrawn and, accordingly, the Commission hereby withdraws its Proposed Rulemaking in this docket and terminates this docket. Such termination is without prejudice to any subsequent recommendation that New Mexico may submit that the Mesaverde Formation be designated as a tight formation under § 271.703.

By the Commission.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 82-32394 Filed 11-26-82; 8:45 am]

BILLING CODE 6717-01-M

#### 18 CFR Part 271

[Docket No. RM79-76-134 (West Virginia-2)]

#### High-Cost Gas Produced From Tight Formations, West Virginia; Proposed Rulemaking

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas of designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of West

<sup>1</sup> An errata was issued on October 1, 1981 (46 FR 48235).